

REMARKS/ARGUMENTS

Applicants have received the Office Action dated August 8, 2007, in which the Examiner: 1) rejected claims 6-16 under 35 U.S.C. §112, 2nd paragraph, as allegedly indefinite; and 2) rejected claims 1-20 under 35 U.S.C. §102(e) as allegedly anticipated by Jia (U.S. Pub. No. 2003/0072395). With this Response, Applicants amend claims 6, 8, 10, 14 and 17. Based on the amendments and arguments herein, Applicants respectfully submit that this case is in condition for allowance.

I. REJECTIONS UNDER 35 U.S.C. §112, 2ND PARAGRAPH

The Examiner rejected claims 6-16 under 35 U.S.C. §112, 2nd paragraph, as allegedly indefinite for including the term “adapted to.” Applicants do not agree that the term “adapted to,” as was used in claims 6-16, renders those claims indefinite. However, because removal of the term “adapted to” does not narrow the scope of the claims, and because Applicants desire to expedite prosecution, Applicants amend claims 6, 10, 14 and 17 to remove the term “adapted to.” Accordingly, Applicants kindly request that the Examiner remove the rejection of claims 6-16.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 1-20 under 35 U.S.C. §102(e) as allegedly anticipated by Jia. Applicants traverse this rejection. Independent claim 1 requires “encoding a plurality of signals according to a predetermined **negation scheme**” (emphasis added). Jia does not teach or suggest encoding any signal according to a negation scheme, as required by claim 1. This distinction between claim 1 and Jia is significant at least because the negation scheme enables the subtraction of some tones and the addition of other tones in a received signal. The role that negation schemes play in Applicants’ invention is extensively described in Applicants’ specification (See paragraph [0023] and onward). Because Jia fails to disclose this limitation, Jia does not anticipate claim 1 under 35 U.S.C. §102(e).

Based on the foregoing, Applicants submit that independent claim 1 and dependent claims 2-5 are patentable over Jia. Each of the independent claims 6, 10, 14 and 17 requires a similar limitation. Specifically, independent claim 6 requires “. . . said at least one signal encoded according to a predetermined negation scheme.” Independent claim 10 requires “a plurality of transmitters, each transmitter adapted to transmit by way of a wireless channel a set of frequency tones encoded according to a predetermined negation scheme.”

Independent claim 14 requires “. . . said transmitted signal encoded according to a predetermined negation scheme.” Independent claim 17 requires “means for transmitting a plurality of preambles, each preamble comprising at least one set of frequency tones encoded according to a predetermined negation scheme.” As explained, Jia fails to teach or suggest such limitations, and so independent claims 6, 10, 14 and 17, as well as their respective, dependent claims 7-9, 11-13, 15-16 and 18-20, are all patentable over Jia.

III. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. Applicants hereby petition for any time extensions that are necessary to prevent this case from being abandoned. In the event that additional fees related to this Amendment, or other transactions in this case, are required (including fees for net addition of claims and for time extension), the Examiner is authorized to charge Texas Instruments Inc.'s Deposit Account No. 20-0668 for such fees.

Respectfully submitted,

/Nick P. Patel/
Nick P. Patel
PTO Reg. No. 57,365
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
AGENT FOR APPLICANTS